

district court an information against Charles B. Stout, trading as Majestic Flour Mill, Aurora, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 18, 1938, from the State of Missouri into the State of Texas, of a quantity of wheat gray shorts and screenings that were misbranded.

The article was alleged to be misbranded in that the statement, "Crude Protein not less than 17 per cent," borne on the tag, was false and misleading, and was borne on the tag so as to deceive and mislead the purchaser, since it contained less than 17 percent, namely, not more than 15.50 percent, of crude protein.

On June 12, 1939, the defendant having entered a plea of *nolo contendere*, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30728. Adulteration of frozen fish. U. S. v. 789 Boxes of Ocean Perch. Consent decree of condemnation and destruction. (F. & D. No. 45362. Sample No. 66466-D.)**

This product was infested with parasitic worms.

On or about May 20, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 789 boxes of ocean perch at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about May 7, 1939, by Gloucester Ice & Cold Storage Co. from Gloucester, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On May 27, 1939, no claim or answer having been filed and the consignee having consented to the immediate destruction of the product, judgment of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30729. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Ponca City Milling Co., Inc. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 42692. Sample Nos. 3910-D, 3913-D.)**

Wheat brown shorts and screenings had been substituted in whole or in part for this product. It contained more crude fiber than declared on the tag.

On May 19, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ponca City Milling Co., Inc., Ponca City, Okla., alleging shipment by said corporation in violation of the Food and Drugs Act, on or about September 26 and November 14, 1938, from the State of Oklahoma into the State of Texas, of quantities of wheat gray shorts and screenings which were adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements on the tag, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since the article consisted of wheat brown shorts and screenings and contained more than 6 percent crude fiber, namely, 6.95 percent crude fiber in one shipment and 7.49 per cent in the other.

On June 29, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a total fine of \$75 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30730. Misbranding of canned tomatoes. U. S. v. 389 Cases of Tomatoes. Product ordered released under bond to be relabeled. (F. & D. No. 43090. Sample No. 15941-D.)**

This product was substandard because it was not normally colored, and it was not labeled to indicate that it was substandard.

On July 20, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 389 cases of canned tomatoes at Shawnee, Okla.; alleging that the article had been shipped in

interstate commerce on or about June 9, 1938, by Moseley, Markham & Rettinger, from Rio Hondo, Tex.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Reba Tomatoes \* \* \* Packed by Moseley and Markham."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and its package or container did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On September 8, 1938, Moseley & Markham, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30731. Adulteration of imitation strawberry jam. U. S. v. 10 Cases of Imitation Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 45263. Sample No. 43677-D.)**

Examination of this product showed the presence of moldy berries.

On May 3, 1939, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of imitation strawberry jam at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about June 1, 1938, by Enjoy Packing Co., Ltd., from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Five Brothers Fine Quality Imitation Strawberry Jam."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30732. Adulteration of canned tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 44101. Sample No. 20248-D.)**

Examination of this product showed that it contained worm and insect fragments.

On October 8, 1938, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of tomato catsup at Las Vegas, Nev.; alleging that the article had been shipped in interstate commerce on or about August 6, 1938, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Catsup Made From Whole Ripe Tomatoes."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30733. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 45527. Sample No. 62987-D.)**

This product contained evidence of the presence of filth.

On June 17, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 12, 1939, by Geo. Martin Sea Food Co. from Westwego, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*